



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In Re Payment Card Interchange Fee
And Merchant Discount Antitrust
Litigation

This Document Relates to All Class
Actions

Case No. 1:05-MD-1720 (JG)(JO)

Class Plaintiffs' Notice of Motion for Summary Judgment

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, Statement of Undisputed Facts Pursuant to Rule 56.1, and Declaration of Ryan W. Marth and exhibits annexed thereto, Class Plaintiffs will move this Court, before Magistrate Judge James Orenstein, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza, Brooklyn, NY, on a date and time determined by the Court, for an order pursuant to Fed. R. Civ. P. 56(a), for Summary Judgment for Class Plaintiffs on the liability on Claims 1, 2, 5, 10, 11, 13, 14, 17, 18, and 20 in the Second Consolidated Amended Class Action Complaint.

Pursuant to the Twelfth Scheduling Order, Dispositive motions and *Daubert* motions shall be served on February 11, 2011. Responses to such motions shall be served on April 22, 2011. The parties shall serve their replies and file all motion papers on the docket no later than June 10, 2011.

PLEASE TAKE FURTHER NOTICE THAT, Class Plaintiffs request oral argument on this motion.

February 11, 2011

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